



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS

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| Appellants: | Jeff Solum | REPLY BRIEF |
| Serial No. | 09/291,798 | |
| Filing Date | April 14, 1999 | |
| Group Art Unit | 2662 | |
| Examiner | David E. Odland | |
| Attorney Docket No. | 100.108US01 | |
| Title: REDUCED POWER CONSUMPTION IN A COMMUNICATION DEVICE | | |

Remarks

In the Examiner's Answer, the Examiner repeated the grounds of rejection from the Final Office Action. See, Examiner's Answer at ¶¶ 1-30. The Examiner further addressed a number of comments in response to arguments in Applicant's Appeal Brief. Applicant provides the following arguments in response to the Examiner's Answer:

I. In addressing the rejection of claims 26 and 28, the Examiner stated that the "counter is used to power up and power down in Medendorp is related to *both* the signaling on the control channel and the reception of a call when an alert is received by a CAU." *Examiner's Answer*, p. 20. The applicant respectfully disagrees. In Medendorp, the transmittal of signals is divided up into N alert phases. (See column 4 lines 61-64). CAU's in the cable system are also divided into N groups, corresponding to the N alert phases. (See column 5 lines 12-14). Signals are only broadcast to a particular CAU when the alert phase to which it is assigned is active. Therefore the power down timer in Medendorp powers down a given CAU except when its alert phase is active. (See column 5 lines 16-20). In Medendorp, the CAU is always active during the time in which it is possible for it to receive a transmission. Therefore retransmissions, if they occur at all, occur within the alert phase assigned to the CAU. This means that in Medendorp, the alert phase dictates the retransmission time of any retransmissions. As such, the

Examiner is incorrect in his statement that, "having enough time to detect such retransmissions would make the system more reliable since calls would not continually be missed because the retransmission was not detected." *Examiner's Answer*, p. 20.

In the present invention there is no period of time for which it is certain that no transmissions will be attempted towards a given remote unit. Rather, a transmission might be attempted at any time for any remote unit. If a remote unit does not respond with an acknowledgement when a transmission is attempted toward that remote unit, then a retransmission is attempted after a given period of time. (See application p. 5). The power down timer of the present invention is set such that, even if the original transmission is missed due to the remote unit being powered down, the remote unit will be powered up in time to receive the retransmission. (See application p. 5). The invention as claimed is therefore distinguishable from Medendorp, in that the retransmission time dictates the period of the power down timer. This is not taught or suggested in Medendorp.

II. In addressing the rejection to claims 1, 3, 5, 20, and 22, the examiner stated that the 'power down mode' in Kim "may merely mean that it is in a lowered power state and thus it is still able to receive the power up code so it can go into a fully powered state." *Examiner's Answer*, p. 22. The examiner further states that "there is nothing in the claims to distinguish the 'power down mode' of Kim from the 'powering down' performed in the claim." The Applicant respectfully disagrees. In the invention of claim 1, for example, powering down comprises "powering down at least a portion of a receiver." Powering down at least a portion of the receiver means that all of the receiver can be powered down. After the receiver is completely powered down, the timer powers back up the receiver when the counter counts down to zero. However, in the system of Kim, there is a power down code and a power up code, but no timer. (See Fig. 3 and column 7 lines 3-8). It is important that some portion of the receiver of Kim must be active in order to receive any future codes. Therefore, the power down code of Kim can never completely power down the receiver, otherwise the power up code would be inoperable. As such, the claims are distinct from the cited art.

III. In addressing the rejection to claim 5, the Examiner previously stated, “Medendorp discloses a repeating process of check for incoming data after powering down and powering up again” *Final Office Action*, p. 19. However, the examiner has amended this statement to the following: “Medendorp *may* disclose a repeating process of check for incoming data after powering down and powering up again” *Examiner’s Answer*, p. 22. Applicant asserts that Medendorp does not disclose “powering up the receiver; checking for incoming data; when no data is detected, checking for incoming data after another selected period of time,” as in claim 5. In Medendorp, when no data is detected, the receiver is again powered down.

The Examiner further states that claim 5 does not recite, “without requiring a powering down during another selected time period,” when referring to checking for incoming data after another selected period of time, suggesting that as claimed the receiver can be powered down again before it checks for incoming data. *Examiner’s Answer*, p. 22. However, claim 5 further defines the “powering up period” – so it is inherent that “checking for incoming data after another selected period of time,” occurs without requiring a powering down. Therefore claim 5 is patently distinct from Medendorp.

IV. The examiner argues that it would have been obvious to one skilled in the art to combine the teachings of Medendorp and Kim. The Applicant respectfully disagrees. Neither Medendorp nor Kim suggest any advantage in combining the two. Additionally, the Examiner has stated that “a skilled artisan, using knowledge generally available in the art, at the time of invention would have been motivated to combine Kim and Medendorp” *Examiner’s Answer*, p. 24. However, Examiner fails to state what knowledge generally available in the art is used. Applicant respectfully requests that Examiner disclose what knowledge in the art would make it obvious to combine the teachings of Kim and Medendorp, or withdraw his rejection. At the time of the invention, one of ordinary skill in the art would not have been motivated to combine the teachings of Kim

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and Medendorp as discussed in the Applicant's Appeal Brief, and therefore the claims are allowable.

Reversal of the final rejection is respectfully requested.

Respectfully submitted,

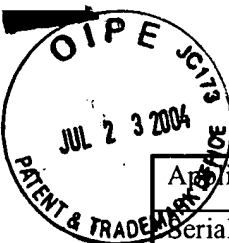
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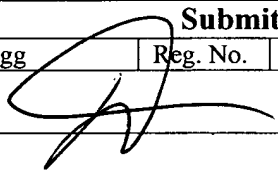
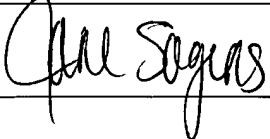


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| Applicant(s) | Jeff Solum | TRANSMITTAL FORM UNDER 37 CFR 1.8 (LARGE ENTITY) |
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| Enclosures | | | | | |
| The following documents are enclosed: <u>X</u> A Reply Brief (4 pgs.). <u>X</u> A return postcard. Please charge any additional fees or credit any overpayments to Deposit Account No. 502432. CUSTOMER NO. 34206 | | | | | |
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| I certify that this correspondence, and the documents identified above, are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief- Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 19, 2004 | | | | | |
| Name | Jane Sagers | Signature |  | | |